# **ORIGINAL**

## MORRISON & FOERSTER LLP

EX PARTE OR LATE FILED

SAN FRANCISCO LOS ANGELES PALO ALTO WALNUT CREEK SACRAMENTO ORANGE COUNTY SAN DIEGO

DENVER

ATTORNEYS AT LAW

2000 PENNSYLVANIA AVENUE, NW WASHINGTON, D.C. 20006-1888 TELEPHONE (202) 887-1500 TELEFACSIMILE (202) 887-0763 NEW YORK
BUENOS AIRES
LONDON
BRUSSELS
BEIJING
HONG KONG
SINGAPORE
TOKYO

RECEIVED

February 16, 2001

FEB 1 6 2001

FEDERAL COMPANIESTONS COMMISSION OFFISE OF THE SECRETARY

#### BY HAND DELIVERY

Ms. Magalie Roman Salas Secretary Federal Communications Commission The Portals 445 12th Street, S.W. Washington, D.C. 20554

Re: Ex Parte Submission in IB Docket No. 00-187

Dear Ms. Salas:

On February 13, 2001, Deutsche Telekom AG ("DT"), VoiceStream Wireless Corporation ("VoiceStream") and Powertel, Inc. ("Powertel") filed with the Federal Communications Commission ("FCC") the amended Form F-4/S-4 filed by VoiceStream and DT with the Securities and Exchange Commission ("SEC") on February 9, 2001.

The ownership interests in VoiceStream shown on pages 311-12 of the Form F-4/S-4 appear to differ slightly on their face from the ownership interests shown in Exhibits A and B to VoiceStream's FCC Form 601 filed on February 12, 2001 in connection with VoiceStream's high bids for Auction No. 35, FCC File No. 0000365311. This apparent difference is due entirely to the fact that the FCC has different reporting requirements (requiring the inclusion of DT's convertible preferred VoiceStream shares, on an as-converted basis, in the denominator of the equity ownership computations and, on a current voting basis, in the denominator of the

No. of Copies rec'd\_\_\_\_\_\_\_ List A B C D E

dc-250178

**ORIGINAL** 

## MORRISON & FOERSTER LLP

Ms. Magalie Roman Salas February 16, 2001 Page 2

voting computations)<sup>1</sup> from the SEC filing (requiring the omission of DT's convertible preferred shares).<sup>2</sup> The interests reported are, in fact, the same.

Please let the undersigned know if you have any questions about this filing.

one F. Kreeled Cheryl A. Tritt Louis Gurman Doane F. Kiechel Christa M. Parker

MORRISON & FOERSTER LLP 2000 Pennsylvania Ave., N.W. Washington, D.C. 20006

(202) 887-1500

Counsel for VoiceStream Wireless Corp.

John T. Nokahata (by DPK) John T. Nakahata

Karen L. Gulick Samuel L. Feder

HARRIS, WILTSHIRE & GRANNIS LLP 1200 Eighteenth St., N.W.

Washington, D.C. 20036

(202) 730-1300

Counsel for VoiceStream Wireless Corp.

cc: attached service list

Sincerely,

William R. Richardson, Ir. (hypra) William T. Lake

John H. Harwood II

William R. Richardson, Jr.

Matthew A. Brill

WILMER, CUTLER & PICKERING

2445 M Street, N.W. Washington, D.C. 20037

(202) 663-6000

Counsel for Deutsche Telekom AG

Edward A. Yorks it is In (hy Die) Edward A. Yorksitis, Jr.

Paul G. Madison

KELLEY DRYE & WARREN L.L.P. 1200 Nineteenth Street, N.W., Suite 500

Washington, D.C. 20036

(202) 955-9600

Counsel for Powertel, Inc.

<sup>&</sup>lt;sup>1</sup> See Fox Television Stations, Inc., 10 FCC Rcd 8452 (1995) at par. 37; letter dated Feb. 9, 2001 from counsel for VoiceStream and Powertel to Mr. Donald Abelson re: Responses to Supplemental Requests for Information in IB Docket No. 00-187 at par. 22.

<sup>&</sup>lt;sup>2</sup> See Item 403 of Regulation S-K, Item 6 of Schedule 14a, and Section 13d-3(d)(1)(i) of Regulation D of the Securities Exchange Act of 1934.

### **CERTIFICATE OF SERVICE**

I, Michael S. Goldstein, secretary at the law firm of Morrison & Foerster, LLP, do hereby certify that on this 16th day of February, 2001, I caused true and correct copies of the foregoing letter to be served by hand via messenger (where indicated) or by first-class mail, postage prepaid, upon the following parties:

Lauren Kravetz (Via Messenger) Commercial Wireless Division Wireless Telecommunications Bureau Federal Communications Commission 445 12th Street, SW, Room 4-A163 Washington, DC 20554

Office of Media Relations (Via Messenger) Reference Operations Division Federal Communications Commission 445 12th Street, SW Room CY-A257 Washington, DC 20554

Claudia Fox (Via Messenger)
Policy and Facilities Branch
Telecommunications Division
International Bureau
Federal Communications Commission
445 12th Street, SW, Room 6-A848
Washington, DC 20554

Justin Connor (Via Messenger)
Policy and Facilities Branch
Telecommunications Division
International Bureau
Federal Communications Commission
445 12th Street, SW, Room 6-A832
Washington, DC 20554

Donald Abelson (Via Messenger) Chief, International Bureau Federal Communications Commission 445 12th Street, SW, Room 6-C750 Washington, DC 20554 John Branscome (Via Messenger) Commercial Wireless Division Wireless Telecommunication Bureau Federal Communications Commission 445 12th Street, SW, Room 4-A234 Washington, DC 20554

Jamison Prime (Via Messenger)
Public Safety and Private Wireless Division
Wireless Telecommunication Bureau
Federal Communications Commission
445 12th Street, SW, Room 4-A734
Washington, DC 20554

Carl Huie (Via Messenger)
Experimental Licensing Branch
Electromagnetic Compatibility Division
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, SW, Room 7-A361
Washington, DC 20554

James Bird (Via Messenger) Office of General Counsel Federal Communications Commission 445 12th Street, SW, Room 8-C818 Washington, DC 20554

Jacquelynn Ruff (Via Messenger)
Associate Division Chief
Telecommunications Division
Federal Communications Commission
445 12th Street, SW, Room 6-A844
Washington, DC 20554

Rebecca Arbogast (Via Messenger) Chief, Telecommunications Division International Bureau Federal Communications Commission 445 12th Street, SW, Room 6-A763 Washington, DC 20554

Senator Ernest F. Hollings United States Senate Committee on Commerce, Science, and Transportation 558 Dirksen Senate Office Building Washington, DC 20510

Susan Grant National Consumers League 1701 K Street NW, Suite 1200 Washington, DC 20006

Edward M. Graham
Institute for International Economics
11 Dupont Circle, NW
Washington, DC 20036-1207

Debbie Goldman Communications Workers of America 501 Third St., NW Washington, DC 20001

Todd Malan Organization for International Investment 1901 Pennsylvania Ave., NW Suite 807 Washington, DC 20006

Thomas J. Donohue United States Chamber of Commerce 1615 H Street, NW Washington, DC 20062

Gary C. Hufbauer
Institute for International Economics
11 Dupont Circle, NW
Washington, DC 20036-1207

Ari Fitzgerald (Via Messenger) Deputy Bureau Chief, International Bureau Federal Communications Commission 445 12th Street, SW Washington, DC 20554

Christine E. Enemark
Counsel for Cook Inlet Region, Inc.
Covington & Burling
1201 Pennsylvania Ave., NW
Washington, DC 20004-2401

Howard Frisch UTStarcom 33 Wood Avenue South, 8th Floor Iselin, NJ 08830

Andrew D. Lipman Swidler Berlin Shereff Friedman, LLP 3000 K Street, NW, Suite 300 Washington, DC 20007

Steve Judge Securities Industry Association 1401 Eye Street, NW Washington, DC 20005

Troy F. Tanner Swidler Berlin Shereff Friedman, LLP 3000 K Street, NW, Suite 300 Washington, DC 20007

Pace A. Duckenfield The Alliance for Public Technology 919 Eighteenth Street, NW Suite 900 Washington, DC 20006

Jason Mahler
Computer & Communications Industry
Association
666 Eleventh Street NW, Sixth Floor
Washington, DC 20001

International Transcription Services, Inc. 445 12th Street, SW (Via Messenger) Room CY-B402 Washington, DC 20554

Michael Bartholomew ETNO 33 Boulevard Bischoffsheim 1000 Brussels, Belgium

Richard J. Callahan Callahan Associates International LLC 3200 Cherry Creek South Drive Suite 650 Denver, CO 80209

Joachim G. Feiler Broadnet Deutschland GmbH Am Kronberger Hang 2a D-65824 Schwalbach, Germany

James G. Lovelace Office of the General Counsel Federal Bureau of Investigations 935 Pennsylvania Avenue, NW Room 7435 Washington, DC 20535

Michael S. Goldstein

Gerald Schulmeyer Siemens Corporation 153 East 53rd Street New York, NY 10022

Michael Kantor Mayer, Brown & Platt 1909 K Street, NW Washington, DC 20006

Marc Keilworth KKF.net AG Stiftsallee 60 32425 Minden, Germany

Patrick Helmes NetCologne GmbH Maarwegcenter Maarweg 163 50825 Köln, Germany